

### **AMENDMENTS TO THE CLAIMS:**

The listing of claims will replace all prior versions, and listings of claims in the application:

### **LISTING OF THE CLAIMS**

1. (Currently Amended) A method of message delivery from a wireless calling party terminal using a wireless communications network to a called party terminal, wherein the called party terminal has call waiting, the method comprising:

the wireless communications network determining that the called party terminal's line is busy;

the wireless communications network starting a called party call pickup timer;

the wireless communications network determining that the called party terminal has call waiting;

the wireless communications network determining that the calling party has subscribed to a message delivery feature;

the wireless communications network delivering a "call waiting no answer" message to the calling party terminal notifying the calling party that the called party has call waiting after the call pickup timer expires;

the wireless communications network prompting the calling party to leave a message for the called party;

the wireless communications network storing the message from the calling party on the wireless communications network;

the wireless communications network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy; and

the wireless communications network delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy.

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Original) The method defined in claim 1 wherein the storing step further comprises storing the message from the calling party in the called party's voice mail.

6. (Canceled)

7. (Previously Presented) The method defined in claim 1 wherein the call pickup timer includes a predetermined number of rings.

8. (Previously Presented) The method defined in claim 1 wherein the call pickup timer includes a predetermined time period.

9. (Canceled)

10. (Canceled)

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Original) The method defined in claim 1 wherein the called party is using a cellular terminal.

15. (Original) The method defined in claim 1 wherein the called party is using a wireline terminal.

16. (Canceled)

17. (Currently Amended) A system for providing a message delivery feature delivering a message from a wireless calling party terminal using a wireless communications network to a called party terminal, wherein the called party terminal has call waiting, the system comprising:

means for determining that the called party terminal's line is busy;

means for determining that the calling party has subscribed to a message delivery feature;

means for determining that the called party terminal has call waiting;

means for starting a called party call pickup timer for providing the called party a chance to pickup an incoming call from the calling party;

means for delivering a "call waiting no answer" message to the calling party terminal after the call pickup timing expires notifying the calling party that the called party has call waiting;

means for prompting the calling party to leave a message for the called party;

means for storing the message from the calling party on the network;

means for determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy; and

means for delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Previously Presented) The method defined in claim 1 wherein the step of the network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy includes using a called party inter-

MSC on-hook message indicating that the called party terminal's line is no longer busy.

22. (Previously Presented)      The method defined in claim 1 wherein the step of delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy includes ringing the called party terminal and delivering the stored message when the called party picks up.

23. (Previously Presented)      The system defined in claim 17 wherein the means for determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy uses a called party inter-MSC on-hook message indicating that the called party terminal's line is no longer busy.

24. (Previously Presented)      The system defined in claim 17 wherein the means for delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy includes means for ringing the called party terminal and means for delivering the stored message when the called party picks up.

25. (Previously Presented)      The system defined in claim 17 wherein the call pickup timer includes a predetermined number of rings.

26. (Previously Presented)      The system defined in claim 17 wherein the call pickup timer includes a predetermined time period.

27. (New)      The method defined in claim 1 wherein the calling party can subscribe to the "call waiting no answer" feature whether or not the calling party subscribes to call waiting.

28. (New)      The method defined in claim 1 wherein the wireless communications network determining that the calling party has subscribed to a message delivery feature further comprises checking the calling party's subscriber

profile for a stored indicator indicating that the calling party has enabled this feature.

29. (New)           The method defined in claim 28 wherein the calling party's subscriber profile is stored in a Home Location Register of the wireless communications network.

30. (New)           The system defined in claim 17 further comprising a subscriber database storing an indicator indicating that the calling party has subscribed to the message delivery feature, wherein the means for determining that the calling party has subscribed to a message delivery feature includes a Mobile Switching Center checking the calling party's subscriber profile for the stored indicator.

31. (New)           The system defined in claim 30 wherein the calling party's subscriber profile is stored on a Home Location Register of the wireless communications network.